

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Daniel Baumgartner *et al.* Confirmation No.: 6294  
Application No.: 10/526,293 Art Unit: 3738  
Filed: 03/01/2005 Examiner: Prone, Christopher D.  
Attorney Docket No: 001227/0205  
For: INTERVERTEBRAL IMPLANT COMPRISING A THREE-PART  
ARTICULATION

**AMENDMENT IN RESPONSE TO THE NON-FINAL OFFICE ACTION DATED 8.11.2008**

**Mail Stop AMENDMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Petition for Extension of Time under 37 C.F.R. 1.136: it is respectfully requested that the time for response to the Office Action dated August 11, 2008 be extended for a period of one (1) month from November 11, 2008 to December 11, 2008. The fee for this extension is believed to be \$130.00. The Commissioner is authorized to charge this and any other fee which may now or hereafter be due in this application to Deposit Account No. 19-4709.

In response to the Non-Final Office Action of the United States Patent and Trademark Office dated August 11, 2008, Applicants respectfully submit the following revisions and remarks:

**Amendments to the Claims** begin on page 2 of this Amendment

**Remarks** begin on page 6 of this Amendment

***The Examiner is thanked for the courtesy extended during the Examiner Interview held on November 19, 2008. Per a discussion between the Examiner and the Undersigned, independent claim 1 has been amended to overcome the pending rejection.***